

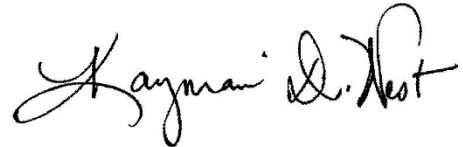
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Ivan A. Lee,)	C/A No.: 5:14-cv-03342-MGL-KDW
)	
)	
Petitioner,)	
)	
v.)	Report and Recommendation
)	
)	
Joseph McFadden,)	
)	
Respondent.)	
)	

Petitioner Ivan Lee (“Petitioner”) is a state prisoner who filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on August 19, 2014. On November 21, 2014, Petitioner moved to amend his Petition, ECF No. 17. Before the undersigned ruled on Petitioner’s Motion, Respondent appeared and filed a Return and Motion for Summary Judgment. *See* ECF Nos. 24, 25. Thereafter, undersigned granted Petitioner’s Motion to Amend his Petition and allowed Respondent time to answer or otherwise respond to Petitioner’s supplemental petition. *See* ECF No. 32. On March 6, 2015, Respondent filed an Amended Return and an Amended Motion for Summary Judgment. *See* ECF Nos. 34, 35. As Petitioner is proceeding pro se, the court entered an order on March 6, 2015, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the importance of such motions and of the need for him to file an adequate response. ECF No. 36. Petitioner was specifically advised that if he failed to respond adequately, Respondent’s motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Petitioner failed to respond to Respondent’s Amended Motion for Summary Judgment.

On April 13, 2015, the court ordered Petitioner to advise the court whether he wished to continue with the case and to file a response to the pending Amended Motion for Summary Judgment by May 11, 2015. ECF No. 38. Petitioner filed no response. Therefore, it appears that Petitioner has abandoned his action, and the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

May 18, 2015
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**